

## **603 KAR 4:050. Limited supplemental guide signs.**

RELATES TO: KRS 177.076, 177.077, 177.078, 177.079

STATUTORY AUTHORITY: KRS 177.077(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 177.077(1) requires the Transportation Cabinet to prescribe by administrative regulation standards and procedures for approval of applications for limited supplemental guide signs. This administrative regulation sets forth the application procedure and standards for approval, erection, and maintenance of limited supplemental guide signs.

Section 1. Definitions. (1) "Activity" means an historical site, tourist area or attraction, or family entertainment center.

(2) "Cabinet" means the Transportation Cabinet.

(3) "Clear zone" means the area between the edge of the driving-lane of a public road and an imaginary line running parallel to the road a certain distance from the edge of the traveled way.

(4) "Eligibility distance" means the distance from the at-grade intersection of the state highway at the point where the directional sign is located to the entrance driveway to the activity.

(5) "Family entertainment center" is defined in KRS 177.076(7).

(6) "Interagency Committee" means the Transportation and Tourism Interagency Committee established by KRS 177.107.

(7) "MUTCD" means the Federal Highway Administration's "Manual on Uniform Traffic Control Devices" incorporated by reference in 603 KAR 5:050.

(8) "Ramp" means the on- or off-access road from an interstate highway or parkway to or from the first public road.

(9) "Spacing" means the distance between the limited supplemental sign and all other traffic control devices or signs located within the right of way. This spacing shall be controlled by the MUTCD.

(10) "TODS" means Tourist Oriented Directional Signing as used in the MUTCD.

Section 2. General Provisions. The Transportation Cabinet shall control the erection and maintenance of Limited Supplemental Guide Signs in accordance with the "Manual on Uniform Traffic Control Devices" (MUTCD) as incorporated by reference in 603 KAR 5:050 and with the provisions of this administrative regulation.

Section 3. Application for Limited Supplemental Guide Signs. (1) An application from an historical site, tourist area or attraction, or family entertainment center for the erection of a limited supplemental guide sign shall be made to the Transportation Cabinet.

(2) The application shall be processed as follows:

(a) The cabinet shall notify the applicant in writing of the date and time for any hearings regarding the application within thirty (30) days of receipt of an application;

(b) The Division of Traffic shall review proposed signing for compliance and review the proposed location to determine if there is an appropriate location for the erection of the sign;

(c) The cabinet shall consider recommendations from the Division of Traffic, the Interagency Committee, and local and regional comments, and approve or disapprove the erection of the limited supplemental guide sign within ninety (90) days after the receipt of an application; and

(d) The cabinet shall notify the applicant whether the application has been approved or denied.

(3) Upon approval of the application the applicant shall enter into a contractual agreement with the cabinet.

(4) Any fees shall be paid by check made payable to the Kentucky State Treasurer.

Section 4. Criteria for Approval. The cabinet shall approve an application for a limited supplemental guide sign in accordance with the criteria set out in KRS 177.077(2). If multiple applications are received for the same location and lack of space prohibits approval of every application, the cabinet shall consider the following criteria to determine the favorable eligibility for the erection of a limited supplemental guide sign:

(1) Activities between one (1) mile and fifteen (15) miles from the interchange with consideration given to number of visitors;

(2) Activities between sixteen (16) miles and fifty (50) miles from the interchange with considerations;

(3) Federal parks and recreation areas;

(4) Historical sites;

(5) Local and regional support; and

(6) State parks and recreation areas.

Section 5. Limited Supplemental Guide Signs. (1) General requirements for limited supplemental guide signs:

(a) A limited supplemental guide sign shall be located to:

1. Take advantage of natural terrain;

2. Have the least impact on the scenic environment; and

3. Avoid visual conflict with the other signs within the highway right of way.

(b) A limited supplemental guide sign shall not be erected where there is insufficient space to locate both traffic control devices and the limited supplemental guide sign.

(c) Unprotected limited supplemental guide sign supports located within the clear zone shall be of a breakaway design.

(d) A limited supplemental guide sign may be located laterally outside the normal longitudinal alignment of other traffic control signs, but shall be erected within the highway right of way as long as the spacing requirements of the MUTCD are met.

(e) The location of any other traffic control device shall at all times take precedence over the location of a limited supplemental guide sign.

(2) Before a limited supplemental guide sign may be erected for an activity that is not visible from the interchange ramp, a legal trailblazing sign shall be erected at each location where a turn is required to arrive at the activity site. This may be in the form of TODS, cultural or recreational signing or billboard advertising.

Section 6. Limited Supplemental Guide Sign Eligibility. An activity shall meet the following requirements to qualify for limited supplemental signing. A limited supplemental guide sign shall not be erected until the activity or site has been approved in accordance with this administrative regulation.

(1) Each activity shall be of significant interest to the traveling public with at least one-third (1/3) of the income or one-third (1/3) of the visitors at the activity derived during the normal business season from visitors not residing within twenty (20) miles of the activity.

(2) Each activity shall be open to the general public during regular and reasonable hours, and not by appointment or reservation only.

(3) Each activity shall comply with all applicable local, state, and federal statutes and regulations including those prohibiting discrimination based on race, religion, color, sex, age, disability, or national origin.

(4) Each activity identified on a limited supplemental sign shall provide assurance of its conformance with all applicable federal, state or local laws and regulations and have necessary and proper licenses.

(5) If an activity is in violation of any federal, state, or local laws and regulations, it shall be considered ineligible for participation in this program and its signs removed.

(6) The activity shall be conducted in a building or area that complies with state and local building code requirements for safety.

(7) The activity shall not be conducted in a building principally used as a residence unless there is a convenient, separate, and well-marked entrance. The building or area shall be maintained in a manner consistent with standards generally accepted for that type of business or activity.

(8) Any activity which operates on a seasonal basis shall make provisions with the cabinet for the removal of the activity's sign during the off season. The activity shall, in writing, notify the cabinet at least thirty (30) days before the opening or closing occurs.

(9) The cabinet shall not be responsible for business lost due to signs or limited supplemental panels becoming temporarily out of service.

(10) The display of the activity sign on the limited supplemental structure shall not be considered an endorsement or recommendation by the Commonwealth of Kentucky on behalf of the activity.

Section 7. Review of Eligibility. Subject to KRS 177.077(8), the cabinet may review the status of individual sign eligibility for continuance in the program.

Section 8. Measurements. A measurement taken to determine the qualifications of activities shall be from the juncture of the center line of the highway, measured between the center edges of the main traveled way of the route or routes on which travel is necessary to locate the activity.

Section 9. Incorporation by Reference. (1) "Limited Supplemental Guide Signs Application", TC 99-200, (1/99 Edition), Transportation Cabinet, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet, Division of Traffic, First Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 1765; 2419; 2568; eff. 6-1-1999; 28 Ky.R. 925; 1385; eff. 12-19-2001; Crt eff 3-5-2019.)